January 25, 2002

re: Public comments; US VS Microsoft Coporation

To Whom it may concern:

This e-mail is in response to the request for public comments on the
case of the U.S. VS Microsoft.

My major concern is that those responsible for assessing the extent of
the damages to the US consumers, businesses, and general technology
environment are fully aware of the breadth of the damage that has been
caused by Microsoft's actions.

I watched a US official commenting on Microsoft's actions as he
acknowledged the fact that Microsoft's actions were in fact unjust and
plain wrong, but went on to say that afterall, Microsoft's superior
implementation of software technology produced a browser that was much
better than the competition - mainly, the Netscape Browser.

The very important point missed by this official is that - It IS NOT
About the quality of or any aspect of the browsers that have come out of
the respective companies in the last few years. Indeed it is not about
internet browsing at all !!

Please remember that what Microsoft did to bury Netscape was NOT driven
by the potential sales of browsers - Free or not, this was not
Microsoft's goal.

The record states clearly that Netscape was attempting to build a
platform and operating system independent environment within which ANY
company could develop applications, or any other type of software,
REGARDLESS of where their customers buy their computer or operating
system. The browser would have been just a minor stepping stone along.
As a product, even today many years later, the browser is nothing. It
was the intent of the technology that Netscape wanted to develop, the
browser being just the first manifestation of this technology, that we
NOW DO NOT HAVE.

Netscape saw the opportunity to free the US consumer from the predatory
pricing of proprietary computer hardware and software that had been the
norm up to and at the start of the small computer revolution. Because of
this, Netscape wanted to develop a way for Open Systems software

development to work. This is NOT Open Source or free software development, this IS that any company anywhere could write software and compete in a fair marketplace on the merits of its good ideas, excellent qualifications, and better implementation.

What Microsoft did to prevent Netscape from bringing this concept to fruition has been EXTREMELY damaging to the current state of technology in the very real sense that had this not happened, we would now be much further advanced in the ubiquitous integration of computer technology into our society. My personal feeling is that we are at least a decade behind where we ought to be in terms of the extremely powerful and mature use of computer technology. For example, we are seeing more and more powerful supercomputer class equipment, yet it is still in the hands of specialty laboraties. I believe that by this time, these types of machines would have become available to even small businesses; had those that produce software for such systems had the opportunity to supply those solutions to the small systems platforms through the (would have been) open systems nature of the technology.

In the original findings of fact against Microsoft, I refer to the often mentioned "Applications Barrier to Entry" which describes the wall, if you will, that Microsoft knowingly and viciously constructed to prevent, or at least delay, other technology companies from playing in the windows game IF they also wanted to target other computer platforms and markets. It has become very clear that it is absolutely NOT possible for software companies to provide multi-platform applications at the single-platform development cost. Why should Microsoft be allowed to so wantanly manipulate the market place such that this is the case ? Unbelievably, companies utilizing Microsoft's version of Java, a language whose basis is that it will help to ensure products can be cross-platform, found out too late that Microsoft had even knowingly placed barriers to cross-platform implementation within that tool. Providing the explanation that these were "enhancements" to the Java environment while trapping developers which may very well have been otherwise successful in an Apple or Linux market.

I reiterate my most important point.

It is absolutely crucial that those considering the level of punishment Microsoft should recieve MUST understand the impact the company's actions have had on our society from the DEEPEST technical perspective.

It is absolutely not true that the consumer has come out all right through what Microsoft has done. 1) In the absence of Microsoft's actions, we would be much more advanced technologically than we are now. It is not in any way true that the brightest technology minds just happened to be at Microsoft over the last 2 decades. And 2) Microsoft's software is not nearly the best there has been or could have been

developed. Frankly we have missed what could have been astounding innovation over the last decade at least. Microsoft's software is by no means the best that we could have achieved by this point.

As amazing as this technology, and some of the software (including Microsoft's) we've seen come out of it is, I want those who think Microsoft has provided us with some nirvana in software power and sophistication, even without choice, to consider the difference in software between now and even 6 years ago. I contend that the chasm between features and functionality over that time frame would be twice the size today. I contend that Microsoft has kept us from getting there.

Sincerely,

Nathan Clark
625 Popes Valley Dr
Colorado Springs, CO   80919

(719) 265-5191